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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
 ORACLE AMERICA, INC., a Delaware
 corporation; and ORACLE
 INTERNATIONAL CORPORATION, a
 California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada
 corporation; SETH RAVIN, an individual,

Defendants.

Case No 2:10-cv-00106-LRH-PAL

**ORACLE'S MEMORANDUM OF POINTS
 AND AUTHORITIES IN SUPPORT OF
 RIMINI'S MOTION TO SEAL DYKAL
 EXHIBITS AND SUPPLEMENT TO
 ORACLE'S MOTION TO SEAL
 PORTIONS OF THE PARTIES' JOINT
 REQUEST**

Pursuant to the Court’s October 17, 2014 Order, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (together “Oracle” or “Plaintiffs”) file this memorandum of points and authorities in support of (1) Defendant Rimini Street, Inc.’s (“Rimini”) Amended Motion to Seal Exhibits A, C, D, and J to the Declaration of Ryan D. Dykal (Dkt. 511); and (2) Oracle’s Motion to Seal Portions of the Joint Request for Case Management Conference (Dkt. 497).

EXHIBITS A AND J TO THE DYKAL DECLARATION, AND RELATED PORTIONS OF THE JOINT REQUEST

Oracle designated Exhibits A and J to the Dykal Declaration as Confidential and Highly Confidential – Attorneys’ Eyes Only under the Protective Order entered into in this action. Accordingly, Rimini filed these exhibits under seal and Oracle filed related portions of the parties’ Joint Request under seal. Exhibits A and J were redacted from the Dykal Declaration. Dkt. 499. Unredacted versions of Exhibits A and J were filed under seal with the Court on October 20, 2014. Dkt. 512. A public, redacted version of the Joint Request was filed on September 17, 2014. Dkt. 488. An unredacted version of the Joint Request was filed under seal with the Court on September 17, 2014. Dkt. 490.

The Protective Order states, “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order *only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c)*. The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis supplied).

Oracle requests that the Court order the Clerk of the Court to file Exhibits A and J under seal, as well as the related portions of the Joint Request that reflect information contained in

Exhibit J. Documents may be sealed for “good cause.” *Selling Source, LLC v. Red River Ventures, LLC*, 2:09-CV-01491-JCM, 2011 WL 1630338, at *1 (D. Nev. Apr. 29, 2011) (citing *Phillips v. General Motors*, 307 F.3d 1206, 1210, 1213 (9th Cir. 2002)). “For good cause to exist, the party seeking protection bears the burden of showing that specific prejudice or harm will result if the materials are not filed under seal.” *Id.*

Exhibit A is an Oracle discovery response. The response describes Oracle’s software licensing practices, as well as specific confidential license terms between Oracle and its customers. Exhibit J is a declaration from an Oracle customer. The declaration describes the extent of Oracle’s relationship with the third party, as well as the confidential terms of the third party’s license to use Oracle’s enterprise software. The declaration also makes statements regarding the boundaries of Oracle’s intellectual property rights and licensing practices. Oracle has invested billions to acquire and develop the software described in the declarations, and Oracle relies on licensing to recoup some of those costs. Disclosure of the declarations could interfere with Oracle’s ongoing licensing efforts. Thus, there is good cause for Exhibits A and J to be sealed. *Selling Source*, 2011 WL 1630338, at *1 (finding good cause to seal information about party’s “business operations, customer agreements . . . details of [the party’s] customer base and how the company works with and licenses products to its customers and measures it takes to protect its intellectual property”). Indeed, there is a compelling interest in having them sealed. *Id.* at *6 (“Where the material includes information about . . . agreements with clients, there are compelling reasons to seal the material because possible infringement of trade secrets outweighs the general public interest in understanding the judicial process.”).

For the foregoing reasons, Oracle respectfully requests that the Court find that good cause exists to file under seal Dykal Exhibits A and J and the related portions of the Joint Request.

EXHIBITS C AND D TO THE DYKAL DECLARATION

Rimini also filed under seal Exhibits C and D to the Dykal Declaration (Dkts. 499, 512). Exhibits C and D are excerpts from the expert report of Oracle expert Elizabeth Dean. Although Oracle designated this expert report as Highly Confidential – Attorneys’ Eyes Only, the specific

1 excerpts of the report contained in Exhibits C and D do not contain information that Oracle
2 requests be filed under seal.

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4 DATED: October 29, 2014

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